

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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KOSHER SPORTS, INC.	:
	:
Plaintiff,	:
	:
-against-	:
	:
QUEENS BALLPARK COMPANY, LLC	:
	:
Defendant.	:
	:
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**DECLARATION OF AVERY S. MEHLMAN, ESQ. IN SUPPORT OF
DEFENDANT'S MOTIONS FOR JUDGMENT ON THE PLEADINGS
AND FOR SUMMARY JUDGMENT**

AVERY S. MEHLMAN hereby declares the following under penalty of perjury:

1. I am duly admitted to practice law in this Court and am a partner at the law firm of Herrick, Feinstein LLP, counsel for defendant Queens Ballpark Company, LLC ("QBC") in the above-captioned action.
2. I am fully familiar with the facts of this proceeding and make this declaration in support of defendant's motions for judgment on the pleadings and for summary judgment, dated January 30, 2012 (the "Motions").
3. Attached hereto as Exhibit 1 are true and correct copies of excerpts from the June 28, 2011 Evidentiary Hearing held before Magistrate Judge Mann.
4. Attached hereto as Exhibit 2 are true and correct copies of excerpts from the Deposition of Jonathan Katz held on May 9, 2011.
5. Attached hereto as Exhibit 3 is a true and correct copy of the Advertising Agreement between QBC and Kosher Sports, Inc. ("KSI"), dated January 23, 2008.

6. Attached hereto as Exhibit 4 is a true and correct copy of the Affidavit of Greg Stangel dated June 1, 2011.

7. Attached hereto as Exhibit 5 is a true and correct copy of Magistrate Judge Mann's Report and Recommendation dated August 26, 2011.

8. Attached hereto as Exhibit 6 is a true and correct copy of an email from Jonathan Katz to Greg Stangel and Mike Landeen dated September 17, 2007.

9. Attached hereto as Exhibit 7 is a true and correct copy of a letter from James Denniston to Jonathan Katz dated May 18, 2010.

10. Attached hereto as Exhibit 8 is a true and correct copy of a letter from James Denniston to Ira Tokayer dated June 4, 2010.

11. Attached hereto as Exhibit 9 is a true and correct copy of a letter from James Denniston to Ira Tokayer dated June 14, 2010.

12. Attached hereto as Exhibit 10 is a true and correct copy of a letter from James Denniston to Jonathan Katz dated July 1, 2010.

13. Attached hereto as Exhibit 11 are true and correct copies of excerpts from the Deposition of Adam Barrick held on May 12, 2011.

14. Attached hereto as Exhibit 12 are true and correct copies of excerpts from the Deposition of Peter Helfer held on May 13, 2011.

15. Attached hereto as Exhibit 13 is a true and correct copy of the Declaration of Jonathan Katz dated August 6, 2010.

16. Attached hereto as Exhibit 14 is a true and correct copy of the Concession Agreement between Aramark Sports and Entertainment Services, LLC ("Aramark") and KSI, dated January 1, 2009.

17. Attached hereto as Exhibit 15 are true and correct copies of excerpts from the Deposition of Scott Kleckner held on May 31, 2011.

18. Attached hereto as Exhibit 16 are true and correct copies of excerpts from the Deposition of Tom Funk held on May 26, 2011.

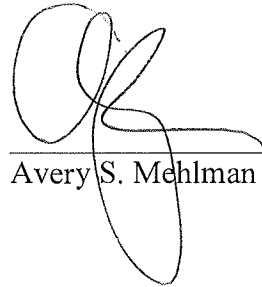
19. Attached hereto as Exhibit 17 is a true and correct copy of an email from Jonathan Katz to Greg Stangel dated February 17, 2009.

20. Attached hereto as Exhibit 18 are true and correct copies of excerpts from the Deposition of Michael Landeen held on May 24, 2011.

21. Attached hereto as Exhibit 19 are true and correct copies of excerpts from the Deposition of Thomas Schopflocher held on January 5, 2012.

22. I declare under penalty of perjury that to the best of my knowledge and belief the forgoing is true and correct.

Dated: January 30, 2010



Avery S. Mehlman